

# EXHIBIT 10

1. A brief description of the data that your department tracks for those currently incarcerated for misdemeanor charges, including whether:

- a) the prior criminal history of people currently incarcerated for misdemeanors is known to your department.
- b) the state citizenship or state of residence of people currently incarcerated for misdemeanors is known to your department.
- c) the national citizenship of people currently incarcerated for misdemeanors is known to your department. ; and
- d) the racial composition of people currently incarcerated for misdemeanors is known to your department.

**RESPONSE:** FOIA does not require a public body to respond in question and answer format. See Del. Op. Att'y Gen. 08-IB05, 2008 WL 1727613, at \*1 (citing Del. Op Att'y Gen. 00-IB08, 2000 WL 1092967, at p. 2). Nonetheless, DDOC responds as follows:

- a) DDOC does not track the prior criminal history of people currently incarcerated.
- b) DDOC has access to data reflecting the last reported address of people currently incarcerated and is able to modify that field based on self-reported information from inmates. DDOC does not verify the accuracy and does not warrant the accuracy of residential data, nor does DDOC make any determination regarding a person's state of citizenship.
- c) DDOC has access to data reflecting the last reported address of people currently incarcerated and is able to modify that field based on self-reported information from inmates. DDOC does not verify the accuracy and does not warrant the accuracy of residential data, nor does DDOC make any determination regarding a person's country of citizenship.
- d) DDOC does not create, control, or modify data concerning the racial composition of people currently incarcerated. DDOC does not verify the accuracy and does not warrant the accuracy of racial composition data. DDOC tracks information concerning the racial composition of people currently incarcerated.

For additional information on how DDOC tracks data regarding those currently incarcerated, please review the following materials:

DDOC Webinar Series: Intake to Classification  
<https://www.youtube.com/watch?v=0LM9PMlsl50>

DDOC Annual Reports:  
[Annual Reports - Department of Correction - State of Delaware](#)

Open data portal:  
[Results matching category of Public Safety | Page 1 of 2 | Delaware Open Data Portal](#)

DDOC Data Request Form:  
[Data\\_Request.pdf \(delaware.gov\)](#)

2. The number of Delaware citizens currently incarcerated only for misdemeanor charges. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether an individual is currently incarcerated only for misdemeanor charges. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

3. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for murder (not including vehicular homicide). Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for murder (not including vehicular homicide). Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

4. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for manslaughter (not including vehicular homicide). Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for manslaughter (not including vehicular homicide). Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

5. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for bribery or improper influence. See 11 Del. C. c. 5 Parts A & B. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for bribery or improper influence. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

6. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for abuse of office. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for abuse of office. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

7. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for rape. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for rape. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

8. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for unlawful sexual contact. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for unlawful sexual contact. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

9. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for possession of child pornography. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for possession of child pornography. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

10. The number of Delaware citizens currently incarcerated only for misdemeanor charges who have a prior felony conviction for sexual exploitation of a child. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated for misdemeanor offenses with prior felony convictions for sexual exploitation of a child. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

11. A brief description of the data that your department tracks for those currently incarcerated for pre-trial detention, including whether:

- a) the prior criminal history of currently incarcerated pretrial detainees is known to your department.
- b) the state citizenship or state of residence of currently incarcerated pre-trial detainees is known to your department.
- c) the national citizenship of currently incarcerated pretrial detainees is known to your department. ; and
- d) the racial composition of currently incarcerated pre-trial detainees is known to your department.

**RESPONSE:** FOIA does not require a public body to respond in question and answer format. *See Del. Op. Att'y Gen. 08-IB05, 2008 WL 1727613, at \*1 (citing Del. Op Att'y Gen. 00-IB08, 2000 WL 1092967, at p. 2).* Nonetheless, DDOC responds as follows:

- a) DDOC does not track the prior criminal history of currently incarcerated pretrial detainees.

- b) DDOC has access to data reflecting the last reported address of people currently incarcerated and is able to modify that field based on self-reported information from inmates. DDOC does not verify the accuracy and does not warrant the accuracy of residential data, nor does DDOC make any determination regarding a person's state of citizenship.
- c) DDOC has access to data reflecting the last reported address of people currently incarcerated and is able to modify that field based on self-reported information from inmates. DDOC does not verify the accuracy and does not warrant the accuracy of residential data, nor does DDOC make any determination regarding a person's country of citizenship.
- d) DDOC does not create, control, or modify data concerning the racial composition of currently incarcerated pretrial detainees. DDOC does not verify the accuracy and does not warrant the accuracy of racial composition data. DDOC tracks information concerning the racial composition of people currently incarcerated.

For additional information on how DDOC tracks data regarding currently incarcerated pretrial detainees, please review the following materials:

DDOC Webinar Series: Intake to Classification  
<https://www.youtube.com/watch?v=0LM9PMlsI50>

DDOC Annual Reports:  
[Annual Reports - Department of Correction - State of Delaware](#)

Open data portal:  
[Results matching category of Public Safety | Page 1 of 2 | Delaware Open Data Portal](#)

DDOC Data Request Form:  
[Data Request.pdf \(delaware.gov\)](#)

12. The number of Delaware citizens currently incarcerated on pre-trial detention. Please disaggregate this data by race.

**RESPONSE:** DDOC does not track whether persons currently incarcerated are Delaware citizens. The chart below responds to Request 12 and is filtered by last inmate-reported address. DDOC has access to data reflecting the last reported address of people currently incarcerated and is able to modify that field based on self-reported information from inmates. DDOC does not verify the accuracy and does not warrant the accuracy of citizenship or residency data.

Currently Incarcerated on Pretrial Detention		
	DE	Non-DE/Unknown
<b>White</b>	399	89
<b>Black</b>	670	125
<b>Asian/Pacific Islander</b>	1	0
<b>Native American/Alaskan</b>	0	0
<b>Unknown</b>	2	3
<b>TOTAL per Category</b>	1,072	217
<b>TOTAL Population</b>		1,289

13. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for murder (not including vehicular homicide). Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-trial detention with prior felony convictions for murder (not including vehicular homicide). Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).

14. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for manslaughter (not including vehicular homicide). Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-trial detention with prior felony convictions for manslaughter (not including vehicular homicide). Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).

15. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for bribery. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-

trial detention with prior felony convictions for bribery. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

16. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for improper influence or abuse of office. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-trial detention with prior felony convictions for improper influence or abuse of office. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

17. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for rape. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-trial detention with prior felony convictions for rape. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

18. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for unlawful sexual contact. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-trial detention with prior felony convictions for unlawful sexual contact. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

19. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for possession of child pornography. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-trial detention with prior felony convictions for possession of child pornography. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

20. The number of Delaware citizens currently incarcerated on pre-trial detention who have a prior felony conviction for sexual exploitation of a child. Please disaggregate this data by race.

**RESPONSE:** DDOC does not have any public records responsive to your FOIA request. DDOC does not track whether persons currently incarcerated are Delaware citizens. DDOC also cannot filter data by the requested search criteria, i.e., whether persons are currently incarcerated on pre-trial detention with prior felony convictions for sexual exploitation of a child. Please note that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. *See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at \*2 (June 8, 2004).*

21. For all requests, please respond with the most responsive information your department tracks. For example, if your department does not contain data on racial statistics for a request, respond without disaggregating by race. If your department does not track state citizenship data for a request, respond without consideration of state citizenship.

**RESPONSE: NA**

Please note that questions regarding offender data can also be directed to the DDOC's Planning & Research Unit. Instructions for submitting a data request to DDOC can be found at <http://www.DDOC.delaware.gov/datarequests.shtml>. DDOC's annual reports also contain a variety of information and data that maybe useful and are available at <http://www.DDOC.delaware.gov/annualReport.shtml>. In addition, the Delaware Open Data Portal contains public information that may be responsive to your requests. Information related to the Department of Correction is available at <https://data.delaware.gov/browse?category=Public+Safety>.